

CONSTITUTION OF FLORIDA.

WE, the people of the Territory of Florida, by our delegates in convention, assembled at the city of St. Joseph, on Monday, the third day of December, A. D. 1838, and of the independence of the United States the sixty-third year, having and claiming the right of admission into the Union, as one of the United States of America, consistent with the principles of the Federal Constitution, and by virtue of the treaty of amity, settlement, and limits between the United States of America and the King of Spain, ceding the provinces of East and West Florida to the United States; in order to secure to ourselves and our posterity the enjoyment of all the rights of life, liberty, and property, and the pursuit of happiness, do mutually agree, each with the other, to form ourselves into a free and independent State, by the name of the State of Florida.

ARTICLE 1.

Declaration of Rights.

That the great and essential principles of liberty and free government may be recognised and established, we declare :

§ 1. That all freemen, when they form a social compact, are equal; and have certain inherent and inalienable rights, among which are those of enjoying and defending life and liberty; of acquiring, possessing, and protecting property and reputation; and of pursuing their own happiness.

2. That all political power is inherent in the people, and all free governments are founded on their authority, and established for their benefit; and, therefore, they have, at all times, an inalienable and indefeasible right to alter or abolish their form of government in such manner as they may deem expedient.

3. That all men have a natural and inalienable right to worship Almighty God according to the dictates of their own conscience; and that no preference shall ever be given by law to any religious establishment, or mode of worship, in this State.

4. That all elections shall be free and equal, and that no property qualification for eligibility to office, or for the right of suffrage, shall ever be required in this State.

5. That every citizen may freely speak, write, and publish his sentiments, on all subjects, being responsible for the abuse of that liberty; and no law shall ever be passed to curtail, abridge, or restrain the liberty of speech or of the press.

6. That the right of trial by jury shall forever remain inviolate.

7. That the people shall be secure in their persons, houses, papers, and possessions, from unreasonable seizures and searches; and that no warrant to search any place, or to seize any person or thing, shall issue without describing the place to be searched, and the person or thing to be seized, as nearly as may be, nor without probable cause, supported by oath or affirmation.

8. That no freeman shall be taken, imprisoned, dispossessed of his freehold, liberties, or outlawed, or exiled, or in any manner destroyed, or deprived of his life, liberty, or property, but by the law of the land.

9. That all courts shall be open, and every person, for an injury done him, in his lands, goods, person, or reputation, shall have remedy, by due course of law; and right and justice administered, without sale, denial or delay.

10. That, in all criminal prosecutions, the accused hath a right to be heard, by himself or counsel, or both; to demand the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favour; and in all prosecutions by indictment or presentment, a speedy and public trial, by an impartial jury of the county or district where the offence was committed; and shall not be compelled to give evidence against himself.

11. That all persons shall be bailable, by sufficient securities, unless in capital offences, where the proof is evident or the presumption strong; and the privilege of *habeas corpus* shall not be suspended, unless when, in case of rebellion or invasion, the public safety may require it.

12. That excessive bail shall in no case be required; nor shall excessive fines be imposed, nor shall cruel or unusual punishments be inflicted.

13. That no person shall, for the same offence, be twice put in jeopardy of life or limb.

14. That private property shall not be taken or applied to public use, unless just compensation be made therefor.

15. That, in all prosecutions and indictments for libel, the truth may be given in evidence; and if it shall appear to the jury that the libel is true, and published